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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/194,700	03/04/1999	URBAN WIDLUND	000515-141	3507
21839	7590	08/18/2004	EXAMINER	
BURNS DOANE SWECKER & MATHIS L L P POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404				KIDWELL, MICHELE M
ART UNIT		PAPER NUMBER		
		3761		

DATE MAILED: 08/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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TECHNOLOGY CENTER 3700

Office Action Summary	Application No.	Applicant(s)	
	09/194,700	WIDLUND, URBAN	
Period for Reply	Examiner	Art Unit	
	Michele Kidwell	3761	
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.			
<ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). <p>Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</p>			
Status			
1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>16 April 2004</u> .			
2a) <input type="checkbox"/> This action is FINAL. 2b) <input checked="" type="checkbox"/> This action is non-final.			
3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.			
Disposition of Claims			
4) <input checked="" type="checkbox"/> Claim(s) <u>1-8, 10, 13-17, 19, 20 and 22-33</u> is/are pending in the application.			
4a) Of the above claim(s) _____ is/are withdrawn from consideration.			
5) <input type="checkbox"/> Claim(s) _____ is/are allowed.			
6) <input checked="" type="checkbox"/> Claim(s) <u>1-3-8, 10, 13-17, 19, 20 and 22-26</u> is/are rejected.			
7) <input checked="" type="checkbox"/> Claim(s) <u>2 and 27-33</u> is/are objected to.			
8) <input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.			
Application Papers			
9) <input checked="" type="checkbox"/> The specification is objected to by the Examiner.			
10) <input type="checkbox"/> The drawing(s) filed on _____ is/are: a) <input type="checkbox"/> accepted or b) <input type="checkbox"/> objected to by the Examiner.			
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).			
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).			
11) <input type="checkbox"/> The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.			
Priority under 35 U.S.C. § 119			
12) <input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).			
a) <input type="checkbox"/> All b) <input type="checkbox"/> Some * c) <input type="checkbox"/> None of:			
1. <input type="checkbox"/> Certified copies of the priority documents have been received.			
2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.			
3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).			
* See the attached detailed Office action for a list of the certified copies not received.			
Attachment(s)			
1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)		4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .	
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)		5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)	
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ .		6) <input type="checkbox"/> Other: _____ .	

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 29, 2004 has been entered.

Response to Arguments

Applicant's arguments with respect to claims 1 – 8, 13 – 17 19 – 20 and 22 – 30 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3 – 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance:

- Claim 3 recites the broad recitation hydrophilic, absorbent fibers and the claim also recites cellulose fibers, cotton, rayon, jute or peat moss which is the narrower statement of the range/limitation
- Claim 4 recites the broad recitation hydrophilic absorbent foam material and the claim also recites polyurethane foam or cellulose foam which is the narrower statement of the range/limitation
- Claim 5 recites the broad recitation hydrophobic fibers and the claim also recites polypropylene fibers, polyethylene fibers, polyester fibers or hydrophobic bi-component fibers which is the narrower statement of the range/limitation

- Claim 6 recites the broad recitation hydrophobic foam and the claim also recites polyethylene foam which is the narrower statement of the range/limitation

Regarding claims 7 and 8, the applicant initially states in claim 1 that the absorbent article includes a liquid pervious surface layer that consists of hydrophilic absorbent material as set forth in claim 1.

However, in claims 7 and 8, the applicant states that the liquid pervious surface layer comprises a laminate of a first liquid pervious hydrophobic material layer and a second liquid pervious, hydrophilic layer arranged closed to the absorbent body and either outside (claim 7) or inside (claim 8).

MPEP 2111.03 states that a claim which depends from a claim which "consists of" the recited elements or steps cannot add an element or step (i.e. a first and second layer).

In view of the specification, it is unclear if the applicant intends to claim a layer pervious surface that consists of a hydrophilic material or if the applicant intends to claim a liquid pervious surface layer that comprises both hydrophobic and hydrophilic material. Correction and/or clarification are required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 16 – 17, 19 – 20 and 22 – 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Robinson (US 5,330,456).

With respect to claims 1, 16, 19 and 22, Robinson discloses an absorbent article comprising a liquid-pervious surface layer (102), a liquid-impervious surface layer (104) and an absorbent body (10) enclosed between the two surface layers wherein the article further exhibits a wetting region adapted to be disposed adjacent the mucous membranes of the user, which is the region of the liquid pervious surface layer which is intended to first be wetted by body fluid emitted to the article (figure 6), wherein the liquid pervious surface layer within the wetting region consists of hydrophilic absorbent material adapted to retain moisture, at least at the surface of the liquid-pervious surface layer which is intended to be facing the user during use so as to maintain the mucous membranes of the user moist, and that all remaining parts of the liquid pervious surface layer consist of a hydrophobic material (col. 5, lines 37 – 40) and wherein an extent of the wetting region is smaller than an extent of the absorbent body as set forth in figure 6.

With reference to claims 17 and 20, Robinson discloses an absorbent article wherein the wetting region covers at least part of the absorbent body as set forth in figure 6.

Regarding claims 23 – 26, see col. 4, line 36.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3 – 8, 10, 13 – 17, 19 – 20, 22 – 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lassen et al. (US 4,631,062) and further in view of Levesque (US 3,838,692).

With respect to claims 1, 16 and 19, Lassen et al. (hereinafter "Lassen) discloses an absorbent article comprising a liquid-pervious surface layer (80), a liquid-impervious surface layer (70) and an absorbent body (74) enclosed between the two surface layers wherein the article further exhibits a wetting region adapted to be disposed adjacent the mucous membranes of the user, which is the region of the liquid pervious surface layer which is intended to first be wetted by body fluid emitted to the article as set forth in col. 6, lines 22 – 29. Lassen also discloses an extend of wetting region to be smaller than an extent of the absorbent body as set forth in figure 9. The examiner contends that an "extent" of the wetting region may be the uppermost peak of the area generally designated by reference numeral "80" which is smaller than an extent of the absorbent body, which is considered as the entire absorbent (74) as shown in figure 9.

The difference between Lassen and claim 1 is the provision that the liquid pervious surface layer within the wetting region consists of hydrophilic absorbent

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material, and that all remaining parts of the liquid-pervious surface layer consist of a hydrophobic material, and wherein an extent of the wetting region is smaller than an extent of the absorbent body.

Levesque teaches a liquid pervious surface layer where a wetting region consists of hydrophilic material and all remaining parts of the liquid pervious surface layer consist of a hydrophobic material as set forth in col. 2, lines 3 – 11.

It would have been obvious to one of ordinary skill in the art to modify the liquid pervious surface layer of Lassen to provide a layer consisting of a hydrophilic material surrounded by hydrophobic material because such a layer encourages the passage of body liquids through the layer so that they may be absorbed by the underlying structure while preventing secondary strike-through and substantially reducing skin irritation which would otherwise be caused by body fluids remaining in contact with a wet diaper liner and the skin as taught by Levesque in col. 2, lines 49 – 59.

As to claim 3, Levesque teaches the hydrophilic material in the liquid pervious surface layer primarily consisting of rayon as set forth in col. 4, lines 6 – 17.

With reference to claims 4 and 6, the examiner contends that the claimed limitations are an obvious matter of design choice that does not patentably distinguish the claimed invention from the prior art.

Regarding claim 5, Levesque teaches the hydrophilic material in the liquid pervious surface layer primarily consisting of polypropylene as set forth in col. 4, lines 6 – 17.

Regarding claim 7, Levesque teaches an article wherein the liquid pervious surface layer comprises a laminate of a first liquid-pervious layer, hydrophobic material layer and a second, liquid-pervious, hydrophilic material layer as set forth in col. 4, lines 32 – 35. While Levesque does not provide an explicit arrangement and/or extension of the layers, the examiner contends that the provision of such is within the level of ordinary skill in the art since the general conditions of the claim have been disclosed by the prior art.

Regarding claim 8, Levesque teaches an article wherein the liquid pervious surface layer comprises a laminate of a first liquid-pervious layer, hydrophobic material layer and a second, liquid-pervious, hydrophilic material layer as set forth in col. 4, lines 32 – 35. While Levesque does not provide an explicit arrangement and/or extension of the layers, the examiner contends that the provision of such is within the level of ordinary skill in the art since the general conditions of the claim have been disclosed by the prior art.

With reference to claim 10, Levesque teaches an absorbent article wherein the hydrophobic material is constituted of a hydrophilic material which has been rendered hydrophobic as set forth in col. 5, lines 3 – 6.

As to claim 13, Lassen discloses an absorbent article wherein the article comprises a shaping member which, by means of influence from forces which the article is subjected to during use, has an ability to bring the wetting region into contact with the mucous membranes of the user as set forth in col. 11, line 47 to col. 12, line 26.

With reference to claim 14, Lassen discloses the shaping member as a compression as set forth in col. 12, lines 19 – 22.

As to claim 15, Lassen discloses the shaping member as an insert as set forth in col. 12, lines 38 – 42.

With respect to claims 17 and 20, both Levesque and Lassen disclose an absorbent article wherein the wetting region covers at least a portion of the absorbent body as set forth in col. 7, lines 29 – 35 and in figure 2, respectively.

With respect to claims 22 – 26, both Levesque and Lassen disclose the absorbent article as a sanitary napkin as set forth in col. 7, lines 34 – 35 and in figure 1, respectively.

Allowable Subject Matter

Claims 2 and 27 – 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The overall claimed combination of an absorbent article comprising liquid pervious surface layer within a wetting region that consists of a hydrophilic absorbent material and all remaining parts of the liquid pervious surface layer consist of a hydrophobic material wherein a hump projects from the liquid pervious surface layer or wherein the wetting region contacts only the mucous membranes of the user has neither been anticipated nor rendered obvious by the prior art of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michele Kidwell whose telephone number is 703-305-2941. The examiner can normally be reached on Monday - Friday, 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on 703-305-1025. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michele Kidwell
Michele Kidwell
Examiner
Art Unit 3761

Notice of References Cited		Application/Control No. 09/194,700	Applicant(s)/Patent Under Reexamination WIDLUND, URBAN	
Examiner Michele Kidwell		Art Unit 3761	Page 1 of 1	

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-3,838,692	10-1974	Levesque, Yvon G.	604/382
	B	US-4,631,062	12-1986	Lassen et al.	604/385.02
	C	US-5,330,456	07-1994	Robinson, Robin K.	604/368
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

USPTO TO PROVIDE ELECTRONIC ACCESS TO CITED U.S. PATENT REFERENCES WITH OFFICE ACTIONS AND CEASE SUPPLYING PAPER COPIES

In support of its 21st Century Strategic Plan goal of increased patent e-Government, beginning in June 2004, the United States Patent and Trademark Office (Office or USPTO) will begin the phase-in of its E-Patent Reference program and hence will: (1) provide downloading capability of the U.S. patents and U.S. patent application publications cited in Office actions via the E-Patent Reference feature of the Office's Patent Application Information Retrieval (PAIR) system; and (2) cease mailing paper copies of U.S. patents and U.S. patent application publications with Office actions (in applications and during reexamination proceedings) except for citations made during the international stage of an international application under the Patent Cooperation Treaty (PCT). In order to use the new E-Patent Reference feature applicants must: (1) obtain a digital certificate and software from the Office; (2) obtain a customer number from the Office; and (3) properly associate patent applications with the customer number. Alternatively, copies of all U.S. patents and patent application publications can be accessed without a digital certificate from the USPTO web site, from the USPTO Office of Public Records, and from commercial sources. The Office will continue the practice of supplying paper copies of foreign patent documents and non-patent literature with Office actions. Paper copies of cited references will continue to be provided by the USPTO for international applications during the international stage.

Schedule

June 2004	TCs 1600, 1700, 2800 and 2900
July 2004	TCs 3600 and 3700
August 2004	TCs 2100 and 2600

All U.S. patents and U.S. patent application publications are available on the USPTO web site. However, a simple system for downloading the cited U.S. patents and patent application publications has been established for applicants, called the E-Patent Reference system. As E-Patent Reference and Private PAIR require participating applicants to have a customer number, retrieval software and a digital certificate, all applicants are strongly encouraged to contact the Patent Electronic Business Center to acquire these items. To be ready to use this system by June 1, 2004. Contact the Patent EBC as soon as possible by phone at 866-217-9197 (toll-free), 703-305-3028 or 703-308-6845 or electronically via the Internet at ebc@uspto.gov.

Other Options

The E-Patent Reference function requires the applicant to use the secure Private PAIR system, which establishes confidential communications with the applicant. Applicants using this facility must receive a digital certificate, as described above. Other options for obtaining patents which do not require the digital certificate include the USPTO's free Patents on the Web program (<http://www.uspto.gov/patft/index.html>). The USPTO's Office of Public Records also supplies copies of patents for a fee (<http://ebiz1.uspto.gov/oems25p/index.html>). Commercial sources also provide U.S. patents and patent application publications.

For complete instructions see the Official Gazette Notice, USPTO TO PROVIDE ELECTRONIC ACCESS TO CITED U.S. PATENT REFERENCES WITH OFFICE ACTIONS AND CEASE SUPPLYING PAPER COPIES, on the USPTO web site.

NOTICE OF OFFICE PLAN TO CEASE SUPPLYING COPIES OF CITED U.S. PATENT REFERENCES WITH OFFICE ACTIONS, AND PILOT TO EVALUATE THE ALTERNATIVE OF PROVIDING ELECTRONIC ACCESS TO SUCH U.S. PATENT REFERENCES

Summary

The United States Patent and Trademark Office (Office or USPTO) plans in the near future to: (1) cease mailing copies of U.S. patents and U.S. patent application publications (US patent references) with Office actions except for citations made during the international stage of an international application under the Patent Cooperation Treaty and those made during reexamination proceedings; and (2) provide electronic access to, with convenient downloading capability of, the US patent references cited in an Office action via the Office's private Patent Application Information Retrieval (PAIR) system which has a new feature called "E-Patent Reference." Before ceasing to provide copies of U.S. patent references with Office actions, the Office shall test the feasibility of the E-Patent Reference feature by conducting a two-month pilot project starting with Office actions mailed after December 1, 2003. The Office shall evaluate the pilot project and publish the results in a notice which will be posted on the Office's web site (www.USPTO.gov) and in the Patent Official Gazette (O.G.). In order to use the new E-Patent Reference feature during the pilot period, or when the Office ceases to send copies of U.S. patent references with Office actions, the applicant must: (1) obtain a digital certificate from the Office; (2) obtain a customer number from the Office, and (3) properly associate applications with the customer number. The pilot project does not involve or affect the current Office practice of supplying paper copies of foreign patent documents and non-patent literature with Office actions. Paper copies of references will continue to be provided by the USPTO for searches and written opinions prepared by the USPTO for international applications during the international stage and for reexamination proceedings.

Description of Pilot Project to Provide Electronic Access to Cited U.S. Patent References

On December 1, 2003, the Office will make available a new feature, E-Patent Reference, in the Office's private PAIR system, to allow more convenient downloading of U.S. patents and U.S. patent application publications. The new feature will allow an authorized user of private PAIR to download some or all of the U.S. patents and U.S. patent application publications cited by an examiner on form PTO-892 in Office actions, as well as U.S. patents and U.S. patent application publications submitted by applicants on form PTO/SB08 (1449) as part of an IDS. The retrieval of some or all of the documents may be performed in one downloading step with the documents encoded as Adobe Portable Document format (.pdf) files, which is an improvement over the current page-by-page retrieval capability from other USPTO systems.

Steps to Use the New E-Patent Reference Feature During the Pilot Project and Thereafter

Access to private PAIR is required to utilize E-Patent Reference. If you don't already have access to private PAIR, the Office urges practitioners, and applicants not represented by a practitioner, to take advantage of the transition period to obtain a no-cost USPTO Public Key Infrastructure (PKI) digital certificate, obtain a USPTO customer number, associate all of their pending and new application filings with their customer number, install no-cost software (supplied by the Office) required to access private PAIR and E-Patent Reference feature, and make appropriate arrangements for Internet access. The full instructions for obtaining a PKI digital certificate are available at the Office's Electronic Business Center (EBC) web page at: <http://www.uspto.gov/ebc/downloads.html>. Note that a notarized signature will be required to obtain a digital certificate.

To get a Customer Number, download and complete the Customer Number Request form, PTO-SB125, at: <http://www.uspto.gov/web/forms/sb0125.pdf>. The completed form can then be transmitted by facsimile to the Electronic Business Center at (703) 308-2840, or mailed to the address on the form. If you are a registered attorney or patent agent, then your registration number must be associated with your customer number. This is accomplished by adding your registration number to the Customer Number Request form. A description of associating a customer number with an application is described at the EBC web page at:

http://www.uspto.gov/ebc/registration_pair.html.

The E-Patent Reference feature will be accessed using a new button on the private PAIR screen. Ordinarily all of the cited U.S. patent and U.S. patent application publication references will be available over the Internet using the Office's new E-Patent Reference feature. The size of the references to be downloaded will be displayed by E-Patent Reference so the download time can be estimated. Applicants and registered practitioners can select to download all of the references or any combination of cited references. Selected references will be downloaded as complete documents as Adobe Portable Document Format (.pdf) files. For a limited period of time, the USPTO will include a copy of this notice with Office actions to encourage applicants to use this new feature and, if needed, to take the steps outlined above in order to be able to utilize this new feature during the pilot and thereafter.

During the two-month pilot, the Office will evaluate the stability and capacity of the E-Patent Reference feature to reliably provide electronic access to cited U.S. patent and U.S. patent application publication references. While copies of U.S. patent and U.S. patent application publication references cited by examiners will continue to be mailed with Office actions during the pilot project, applicants are encouraged to use the private PAIR and the E-Patent Reference feature to electronically access and download cited U.S. patent and U.S. patent application publication references so the Office will be able to objectively evaluate its performance. The public is encouraged to submit comments to the Office on the usability and performance of the E-Patent Reference feature during the pilot. Further, during the pilot period registered practitioners, and applicants not represented by a practitioner, are encouraged to experiment with the feature, develop a proficiency in using the feature, and establish new internal processes for using the new access to the cited U.S. patents and U.S. patent application publications to prepare for the anticipated cessation of the current Office practice of supplying copies of such cited

references. The Office plans to continue to provide access to the E-Patent Reference feature during its evaluation of the pilot.

Comments

Comments concerning the E-Patent Reference feature should be in writing and directed to the Electronic Business Center (EBC) at the USPTO by electronic mail at eReference@uspto.gov or by facsimile to (703) 308-2840. Comments will be posted and made available for public inspection. To ensure that comments are considered in the evaluation of the pilot project, comments should be submitted in writing by January 15, 2004.

Comments with respect to specific applications should be sent to the Technology Centers' customer service centers. Comments concerning digital certificates, customer numbers, and associating customer numbers with applications should be sent to the Electronic Business Center (EBC) at the USPTO by facsimile at (703) 308-2840 or by e-mail at EBC@uspto.gov.

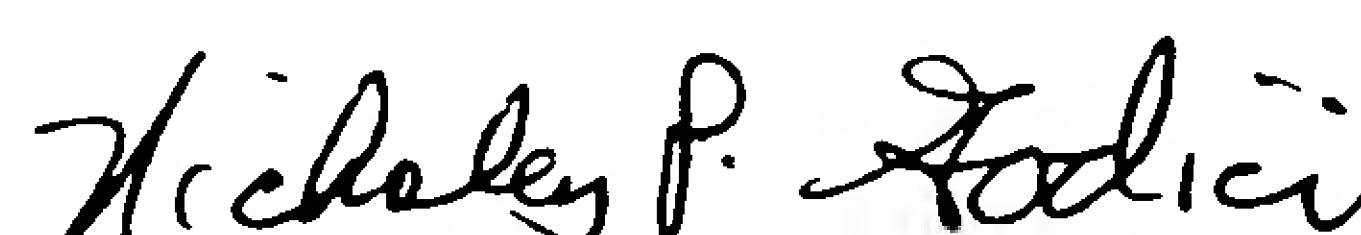
Implementation after Pilot

After the pilot, its evaluation, and publication of a subsequent notice as indicated above, the Office expects to implement its plan to cease mailing paper copies of U.S. patent references cited during examination of non provisional applications on or after February 2, 2004; although copies of cited foreign patent documents, as well as non-patent literature, will still be mailed to the applicant until such time as substantially all applications have been scanned into IFW.

For Further Information Contact

Technical information on the operation of the IFW system can be found on the USPTO website at <http://www.uspto.gov/web/patents/ifw/index.html>. Comments concerning the E-Patent Reference feature and questions concerning the operation of the PAIR system should be directed to the EBC at the USPTO at (866) 217-9197. The EBC may also be contacted by facsimile at (703) 308-2840 or by e-mail at EBC@uspto.gov.

Date. 12/1/03


Nicholas P. Godici
Commissioner for Patents

This image is a high-contrast, black-and-white scan of a surface with a complex, organic texture. The pattern consists of numerous small, dark, irregular shapes and lines that create a sense of depth and complexity. It resembles a microscopic view of a biological tissue or a highly processed digital noise signal.

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